

**STATEMENT OF**  
**COMMISSIONER ROBERT M. McDOWELL**

RE: *Policies to Promote Rural Radio Service and to Streamline Allotment and Assignment Procedures*, MB Docket No. 09-52, Second Report and Order, First Order on Reconsideration, and Second Further Notice of Proposed Rulemaking, FCC 11-28

*Improving Communications Services for Native Nations*, CG Docket No. 11-41, Notice of Inquiry, FCC 11-30

*Improving Communications Services for Native Nations by Promoting Greater Utilization of Spectrum over Tribal Lands*, WT Docket No. 11-40, Notice of Proposed Rulemaking, FCC 11-29

Our efforts today are an important part of the Commission's commitment to tribal sovereignty and the federal trust responsibility. I am pleased to support these opportunities to share ideas for helping to promote tribal self-sufficiency and economic development. I thank all of the honorable Tribal and Alaska Native representatives for joining us today. I also hope that this group – the Commission and all of us – will meet again somewhere on Tribal lands and Alaska Native lands.

I'll start with a bit of historical perspective. In May 2008, the Commission adopted a cap on competitive eligible telecommunications carrier access to high-cost universal service support. While controlling the growth of the fund was important, I felt it critical that the Commission include an exception to that cap for all of the providers serving tribes across the country – some of the most overlooked parts of America. This limited exception was designed to ensure that companies operating in these areas will continue to receive high-cost support to provide their services while we move toward permanent comprehensive reform of the Universal Service system. At that time, my colleagues and I pledged to resolve questions regarding the implementation of that proposed exception. I was relieved that we fulfilled that pledge – adopting an order less than a year thereafter.

Back in 2009, I was also pleased to support the First Report and Order in the "Rural Radio" proceeding, which affords a priority under Commission rules to American Indian Tribes, Alaska Native Villages, and tribal consortia, to assist them in obtaining new radio stations designed to serve Tribal and Alaska Native lands. The Second Report and Order before us today is designed to extend that relief to Tribes that lack officially recognized lands, as defined in our First Order,

but that nonetheless wish to serve geographically identifiable Tribal populations. Our latest rule change provides for a waiver standard that will allow such Tribes to make a detailed showing specific to their circumstances – and is designed to balance the demonstrable needs of Tribal populations with the needs and interests of the public at large. I support this initiative as well because it aims to fulfill our statutory obligation to provide a “fair, efficient and equitable distribution of radio service” across the nation.

The Second Report and Order in the Rural Radio docket also addresses the “fair, efficient and equitable distribution” issue generally by adjusting the Commission’s allotment priorities for *all* radio stations. This set of rule changes will affect proposals for new AM and FM stations, as well as city-of-license changes for existing facilities, by essentially making it presumptively more difficult to add stations to urban markets. Our action today is the latest chapter in a long history of re-adjustments the FCC has made over time in seeking to ensure that all populations – urban, suburban and rural – have access to a number of competing radio stations. Although I have some concerns about how today’s decision may affect the long-term financial viability of some stations, I note that the rule changes establish only rebuttable presumptions, not blanket bans, concerning the location of stations. I will be watching with interest to see how reasonably flexible the revised approach turns out to be.

And although I am pleased that we are grandfathering some of the pending applications for new facilities under the old prioritization standard, I would have gone further to extend the same treatment to all applications on file as of today. Not every pending FCC application merits protection from rule changes that may occur before agency action on the individual adjudication, of course. A change of this magnitude, however, warrants special consideration because it affects nearly 30 years of precedent that afforded licensees greater scope to make market-driven judgments.

Regarding the Notice of Inquiry, I am particularly encouraged that we seek to identify Commission rules that are currently barriers to the provision of service on Tribal Lands. If we identify particular rules during the comment cycle, I hope that we take a serious look at reviewing the reasons behind those rules in a timely manner and move forward in removing unnecessary barriers where appropriate.

Thank you to the staff of the multiple bureaus who contributed to these proceedings. I recognize Geoff Blackwell for his leadership in not only shepherding through these proposals today but for his tireless work here at the

Commission overall as well. He is helping to ensure that Native Americans and Alaska Natives have a voice not just within these proceedings but at the Commission in general.

We obviously still have much to accomplish in this area. This is especially true as America transitions to a new broadband era. As we constantly push forward, I look forward to working with all of you, my colleagues here at the Commission, and other stakeholders to fulfill our commitments.